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Held at the Palais des Nations, Geneva,
on Friday, 20 October 1995, at 3 p.m.

Chairman: Mr. AGUILAR URBINA

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* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.1454/Add.1.

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GE.95-19137 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Fourth periodic report of the United Kingdom of Great Britain and Northern Ireland: supplementary report on the dependent territories: Hong Kong (continued) (CCPR/C/95/Add.5)

1. The CHAIRMAN invited members to make their concluding observations following the consideration of the fourth periodic report submitted by the United Kingdom on Hong Kong.

2. Mr. BHAGWATI thanked the United Kingdom delegation for its participation in the discussion. He was impressed by the frank and forthright manner in which the delegation had addressed the issues raised by the Committee, but wished to urge the Government of the United Kingdom to reconsider some of its responses since they related to the implementation of human rights, a matter that brooked no compromise. A strong and independent judiciary, committed to respect for human rights, was absolutely essential because it was the only mechanism for the enforcement of such rights. In the absence of a judiciary which was totally independent and respectful of human rights values, human rights would exist merely on paper.

3. The attention of the Committee had been drawn to articles 80 to 93 of the Basic Law, and the representative of the Hong Kong Government had stressed that judges were to be appointed by the Chief Executive, on the recommendation of an independent commission and on the basis of the judges' professional qualities. On further questioning, the representative had stated that the members of the "independent commission" would be selected by the Chief Justice. He had later stated that the first Chief Justice would be appointed by the Chief Executive designate before 30 June 1997 and would therefore be a nominee of the Chief Executive designate appointed by the Government of China. The first Chief Justice was to be chosen by the Government of China and would appoint his team to serve on the independent commission. It was with the assistance of that team that he would, in turn, select the judges of the Court of Final Appeal. The Chief Justice would therefore be in a position to play a decisive role in the selection of judges. It was very doubtful whether that procedure would be conducive to the independence of the judiciary. He urged the Government of the United Kingdom to persuade the Government of China to devise an independent mechanism for the appointment of the first Chief Justice.

4. Article 19 of the Basic Law gave cause for anxiety. The interpretation of that Law was vested in the Standing Committee of the People's Congress of China. The Committee did not know the meaning of "act of State" according to Chinese jurisprudence. It would not be justified in importing the common law concept of "act of State" into the interpretation of Chinese law. Article 19 ran the risk of significantly eroding the jurisdiction of the Court of Final Appeal and that was an issue that needed clarification by the Government of China.

5. He was heartened to learn from the representative of the Hong Kong Government that the United Kingdom had decided to extend the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to Hong Kong, but was concerned that the question of reservations was being seriously considered. Since no reservations had been made on article 3 of the Covenant, which guaranteed gender equality in unequivocal terms, and CEDAW was simply an elaboration of those guarantees, he urged the Government of the United Kingdom not to make any reservations when extending CEDAW to Hong Kong. Such reservations would essentially constitute a violation of article 3 of the Covenant.

6. He had learned that the Government proposed to make a reservation in respect of the New Territories Small House Policy, which provided that only indigenous male villagers with certain heredity were eligible for valuable land grants and building rights. Through such a reservation, the relevant Ordinance would become an agent of sex discrimination.

7. He was pleased that the Sex Discrimination Ordinance was to be brought into force and that the Equal Opportunities Commission was to be established in the first quarter of 1996. There were, however, two drawbacks which must be removed as they violated articles 3 and 26 of the Covenant. The first drawback related to the lack of provision for the reinstatement of women who had lost their jobs through sex discrimination, and the second was the limit of 150,000 Hong Kong dollars in damages which could be claimed by a woman who had been discriminated against. Moreover, the grounds for discrimination provided for in the Sex Discrimination Ordinance were limited to gender, marriage and pregnancy. It did not deal with discrimination on grounds of family responsibility and sexual preference. The Government should amend the Ordinance by extending the grounds on which discrimination could be dealt with.

8. He wished to stress that "functional constituencies" constituted a clear violation of articles 25 (b) and 26 of the Covenant and resulted in the denial of democracy to the people of Hong Kong. The British Government should be strongly encouraged to change the electoral process as soon as possible in order to make it conform to democratic norms.

9. He suggested that the Government should also be requested to submit a special report outlining the steps which had been taken pursuant to the recommendations of the Committee and providing updated information on discussions with the Government of China.

10. Mr. KLEIN said he fully agreed with the interpretation the delegation had given to sentence 156 of the Joint Declaration as far as the expression "as applied to Hong Kong" was concerned. In his view, the Joint Declaration formed a solid legal basis for continued observance of the Covenant. The responsibility remained with the Government of the United Kingdom to ensure, in advance, that after the hand-over in 1997 the rights of the people were also respected in practice. That was indeed a heavy burden.

11. In his opinion, the situation would have been better if the United Kingdom had begun the process of democratization and protection of human rights at an earlier stage. It was unfortunate that the Government of

the United Kingdom was acting in those areas only in the final years of British rule in Hong Kong. Furthermore, that action would not appear totally convincing to those persons who seemed to oppose the concept of human rights as enshrined in the Covenant. However, as the situation stood, the time remaining before the transfer of sovereignty should be used carefully. He urged the United Kingdom seriously to reconsider whether its reservations to the Covenant should be maintained, whether the election procedure for the Legislative Council should not be changed to conform to article 25 of the Covenant, and whether the social conditions of the poorest sector of the population could not be improved. In addition, the people of Hong Kong should be much more involved in the transition process than they had been because, ultimately, it was their fate that was at stake.

12. He was not convinced by the explanation of the sense of article 9 of the Bill of Rights Ordinance (BORO) in the light of section 12 of that Ordinance. If there remained nothing but the due process of law, he wondered why article 9 of BORO, which corresponded to article 13 of the Covenant, had been incorporated at all. Respect for due process seemed a necessary and general requirement wherever the rule of law applied.

13. He extended his best wishes to the people of Hong Kong, whose courageous, peaceful and deliberate attitude he greatly admired. He hoped that they faced a secure future in the shelter of effective protection of their human rights. The Committee would closely follow developments in Hong Kong.

14. Mr. BUERGENTHAL said it was impossible to discuss the future of Hong Kong without bearing in mind the difficult political and geopolitical context that gave rise to many of the issues the Committee was addressing. The Government of the United Kingdom had done as well as it could in the circumstances, particularly in recent years, in seeking to ensure that the Covenant, in all its parts, remained applicable to Hong Kong after 1997. He was pleased to hear that the Government intended to continue in its endeavours to achieve a full and satisfactory resolution of the issue. It would be useful for the Government to submit a special report to the Committee before 1 July 1997 indicating what procedures had been worked out between the Governments of the United Kingdom and China to ensure the applicability of the Covenant.

15. In his view, it was of critical importance to establish an independent human rights commission with broad powers, including powers to promote and monitor the implementation of rights guaranteed in the Covenant. Time was of the essence. Therefore, the delegation's concern to avoid duplicating human rights institutions was simply a not good enough reason for not establishing such a commission. Hong Kong could not afford the luxury of not having a human rights commission.

16. He doubted whether the Hong Kong electoral system was compatible with the Covenant, even taking full account of the United Kingdom's reservation on the subject. Moreover, he was convinced that some of the human rights problems highlighted by his colleagues were partly due to an electoral system which was not entirely democratic.

17. He wished to thank and compliment the members of the United Kingdom delegation for the professional, thorough and generally candid manner in which they had responded to the Committee's concerns. He hoped they would convey to the Government of the United Kingdom the Committee's hope and expectation that the Government would redouble its efforts to ensure that the rights of the people of Hong Kong enjoyed the protection of the Covenant in the future.

18. Ms. MEDINA QUIROGA welcomed the fact that the Joint Declaration and the Basic Law made provision for the continued implementation of the Covenant, and urged the United Kingdom and Hong Kong Governments to firmly establish the procedures for the purpose beyond July 1997. She hoped the Committee would receive a progress report in the middle of 1996.

19. She shared her colleagues' concern at the lack of anti-discrimination legislation and would have liked to have heard the delegation express its strong support for the enactment of a general anti-discrimination ordinance and adequate remedies in relation to the Sex Discrimination Ordinance. The absence of such legislation constituted a violation of the Covenant given the existence of well-documented, de facto discrimination. The situation must be addressed and rectified as soon as possible.

20. She shared Mr. Mavrommatis' interpretation of the reservation on article 25. If Hong Kong had decided on an elected legislative body, the stipulation in article 25 on universal and equal suffrage should be complied with. Functional constituencies were incompatible with the Covenant. She pointed out the inconsistency between the Hong Kong Government's statement that it would not accept village representatives who had not been elected on the basis of one man, one vote, and the Government's justification of functional constituencies.

21. She was pleased to learn that the Government would take into consideration the Committee's concern regarding human rights problems. She urged the Government to establish an independent body to investigate illegal and abusive acts perpetrated by the police.

22. She wished the people of Hong Kong a peaceful transition and expressed the hope that their human rights would be respected. The Human Rights Committee would do everything in its power to protect human rights in Hong Kong.

23. Mrs. CHANET associated herself with her colleagues in thanking the United Kingdom delegation for its participation in the consideration of the report. She believed she had received specific answers to the questions relating to the implementation of the Covenant before the transition, but felt that the answers relating to the future implementation of the Covenant had been evasive. The delegation had acted with great confidence and faith with respect to the Joint Declaration, despite increasingly worrying signals reported in the press. She noted a degree of ambiguity vis-à-vis the Basic Law on the part of the delegation, which invoked that Law whenever it was in harmony with the Joint Declaration. That approach was disturbing because it opened up major breaches in the interpretation of the Joint Declaration and the Covenant, and in particular article 39 of the Covenant. She was still worried about the broad wording of the Joint Declaration which

allowed the implementation of Hong Kong law but omitted the provisions of articles 18 and 19 of the Covenant relating to emergency situations and acts of government.

24. She was in total agreement with Mr. Klein; the fact that the reforms had been quite recent made the human rights situation in Hong Kong particularly vulnerable. A democracy which was deeply rooted over many years and included direct universal suffrage within its fundamental laws would have bolstered British efforts to secure strict monitoring of the implementation of the Joint Declaration in general and sentence 156 in particular. She also believed that the participation of the people in determining their future would strengthen that position. Particular vigilance was required over the period remaining before the transfer of sovereignty. The United Kingdom Government had stated its intention to express its concern to the Chinese authorities that they ensure respect for human rights after 1997 and comply fully with the Covenant in accordance with sentence 156 of the Joint Declaration. That provision, together with the obligation to report to the Committee, were important for the future of the people of Hong Kong. She hoped the Committee would not be disappointed in its expectations and urged the British delegation to bring its efforts to a successful conclusion.

25. Mr. KRETZMER expressed appreciation to the United Kingdom delegation for its frank and open replies and to the NGOs for providing important information. He subscribed to Mr. Klein's views on the continued implementation of the Covenant after July 1997, and endorsed the observations of Mr. Bhagwati and Ms. Medina Quiroga regarding article 25 of the Covenant. He was convinced that the Government of Hong Kong was not conforming to the Covenant. Cases of discrimination constituted a clear violation of article 26 of the Covenant. It was incumbent upon the Hong Kong Government to widen the scope of its anti-discrimination law to include other categories in addition to sex discrimination and to ensure that the law was enforced as soon as possible.

26. He was not convinced by the delegation's answer to the question about the attitude of the Government in including persons who were not members of the police force in investigations of complaints against the police. He based his view on the fact that the Government had established an independent Police Complaints Council to supervise investigations, and that the Council itself had recommended that persons who were not police officers should be covered by investigations. The Vice-Chairman of the Council had been quoted as saying that the real problem was that police were investigating police. There was always a reluctance on the part of the police to accept that anyone else could actually carry out investigations. For the sake of the credibility of the system, it was essential for the Government to accept the recommendation of the Police Complaints Council.

27. He drew attention to the disparity between the information contained in files submitted by the delegation on the conditions under which Vietnamese detainees were held and the information the Committee had received from other credible sources. It was true that conditions had significantly improved in some camps, but there were others, for example the Whitehead camp, in which conditions were not consistent with the duty of a State party to make sure that all persons who had been deprived of their liberty were treated with

humanity and respect for the inherent dignity of the human person. He urged the Government to improve conditions in all camps in order to meet the minimum requirements under article 10 of the Covenant.

28. He joined his colleagues in extending his best wishes to the delegation and expressed the hope that the people of Hong Kong would continue to enjoy the protection of the Covenant in the years to come.

29. Ms. EVATT thanked the delegation for its responses but said a number of concerns remained. Those concerns related to the freedoms of expression and information, detention powers and the treatment of detainees, the limits of the Bill of Rights Ordinance, the weakness in the discrimination laws and doubts about the emergency laws. Those issues would be fully covered in the Committee's concluding observations but she wished to focus on the issues relating to constitutional powers and democracy and to the continued implementation of the Covenant.

30. The main priority was to resolve the issue of reporting. In her opinion, the Committee should be willing to receive reports on Hong Kong from the responsible authority. The next important issue was the ensured continuity of the Legislative Council, which appeared to have been elected in conformity with sentences 9 and 49 of the Joint Declaration, the Basic Law and the decision of the National People's Council of 4 April 1990. The continuity of the Council was of the utmost importance because it was responsible for laws implementing the Covenant, and the rights and freedoms provided for in the Basic Law and the Joint Declaration. In addition to its continuity, the democratic basis of the Council was also important. Mention had been made of the deficiencies in meeting the principle of "one person, one vote" and the existence of functional constituencies, which fell outside the framework of article 25 of the Covenant. It was important to stress and reach as soon as possible the goals set out in article 68 of the Basic Law, i.e., election by universal suffrage and the principle of equality. It was essential that all laws should quickly be brought into conformity with the Covenant. Doubts had been expressed about that issue but she personally believed that the Legislative Council already had the power to legislate, in conformity with the Bill of Rights and the Covenant. It was not correct to freeze Hong Kong laws for a further two years. The Bill of Rights was clearly a law of Hong Kong implementing the Covenant and in no way was it incompatible with the Basic Law.

31. She again wished to stress the need to observe democratic principles. She did so out of fear that the Executive had more power than was compatible with democratic principles and the separation of powers and was not itself democratically based. The situation impinged on judicial power and the independence of the judiciary, which must not only comply with article 14 of the Covenant but also ensure the protection of all rights.

32. She expressed the hope that the Joint Declaration would be upheld in letter and spirit by both parties and conveyed her best wishes to the people of Hong Kong.

33. Mr. ANDO thanked the delegation for its efforts to furnish answers to all the difficult questions that had been posed. Undeniably, the legacy of the colonial age was still apparent in both attitudes and institutions, as evidenced by the failure on the part of the Government of the United Kingdom to mention the matter of self-determination in any of the relevant documents. In that regard, the United Kingdom should certainly have done more. Difficulties were apparent in the protection of the rights of women, the right to freedom of speech, the electoral system, and investigatory and court procedures. The matter of greatest concern, however, was the continued implementation of the Covenant in Hong Kong after the transfer of sovereignty. He associated himself with other members who had emphasized the Committee's willingness to do everything in its power to assist in that process. Faith must be placed in the Government of the United Kingdom, which had demonstrated great sincerity in its efforts to persuade China to accept the terms of the Covenant, and in China, which, as one of the world's major Powers, could not but be aware of its global responsibilities, not the least of which was the matter of human rights. The current dialogue should be seen as the first of many; it was important to recall that an understanding of the principles of human rights must reside not only with institutions or authorities, but in the hearts and minds of the people who were meant to be the beneficiaries of those rights.

34. Mr. LALLAH welcomed the competence and candour with which the members of the delegation had dealt with the Committee's concerns. He would confine himself to a number of essential points. It was first and foremost crucial that the responsibility of the United Kingdom Government vis-à-vis the implementation of the Covenant in the territory of Hong Kong should continue after the transfer of power in 1997. The Committee had already urged the Government to hold discussions with China concerning continued implementation of the Covenant and a special report on the question should be submitted next year.

35. Two of the great countries of the world were engaged in that important debate: although no longer perhaps a world Power, Britain enjoyed a long tradition of respect for international law; China, on the other hand, was a major Power with great respect for its obligations vis-à-vis others. The Governments of those two States should combine those qualities in the pursuit of a means to fulfil their obligations under international law. Most members of the Committee had expressed anxiety about the extent to which measures to ensure the implementation of the Covenant had been incorporated into the Hong Kong legal system; section 7 of the Bill of Rights Ordinance bound only the Government and public authorities. From cases that had been brought before the courts of Hong Kong it was clear that the protection guaranteed by the Covenant must also bind individuals in relation to each other. He was satisfied with Mr. Fung's assertion that consideration would be given to the enactment of legislation to provide individuals with protection against infringements of their rights by other individuals.

36. And yet, that Government's basic approach to the needs of the people of that territory was consultative. Such matters should not be left to the goodwill of the executive branch. Furthermore, the interests of all members of society - both privileged and under-privileged - should be taken into consideration. Article 25 of the Covenant stipulated that all citizens should

be permitted to take part in public affairs. Article 26, which established that all persons were equal before the law, governed legislative, executive and judicial conduct. The Hong Kong Legislative Council must therefore be seen as merely a transitional step towards the creation of a genuine democracy with full enjoyment of human rights by all citizens. Hong Kong's wealthiest citizens benefited from greater protection of their rights than did its poor citizens; it was in the granting of those rights to the ordinary man that the great genius of China would come into play.

37. Mr. FRANCIS thanked the members of the United Kingdom delegation for the frankness of their replies. He shared the views of all previous speakers. Most important, the security of Hong Kong could not be assured if that territory did not benefit from the confidence and participation of all its people. State succession in the case of an independent territory should always be followed by an aggressive reform of the legal system; he hoped that such a process would redress the imbalance in the Hong Kong legislature. While consultation had its place in the workings of a democracy, a one-man one-vote system was more conducive to economic and social stability and ultimately better served the needs of a people. It was in that context that article 40 of the Covenant must be brought to bear.

38. Mr. PRADO VALLEJO shared in large part the views of previous speakers. The United Kingdom was undoubtedly a State that enjoyed a great democratic tradition; he regretted, however, that the colonial authorities had not seen fit to confer directly with the population of Hong Kong on matters which were central to their destiny. He further regretted that, throughout the near-century of British rule, that Government had failed to recognize the right of the Hong Kong people to self-determination. It was also lamentable that it had not seen fit to establish effective and vital democratic structures in Hong Kong so that the people of the territory could defend their freedoms and guarantees once they passed under the sovereignty of another State. He thanked the delegation for its answers to the Committee's questions, and joined other members in requesting the submission of a special report.

39. The CHAIRMAN said that the dialogue that had taken place between the United Kingdom delegation and the Committee had indeed been fruitful. The Committee appreciated the frankness with which that delegation had replied to its questions, even if some of its answers raised serious doubts and concerns. He noted with appreciation the invitation extended by the Government of the United Kingdom to the Committee, which had given him and the rapporteur the opportunity to meet with representatives of all strata of Hong Kong society. The discussion had given rise to a number of recommendations; it was the Committee's hope that they would be put into practice in the near future. Of greatest interest to the Committee was undoubtedly the matter of the implementation of the Covenant in Hong Kong after 1 July 1997. He would now read out the following statement which summarized the Committee's views on that question:

> "The Human Rights Committee - dealing with cases of dismemberment of States parties to the International Covenant on Civil and Political Rights - has taken the view that human rights treaties devolve with territory, and that States continue to be bound by the obligations under

the Covenant entered by the predecessor State. Once the people living in a territory find themselves under the protection of the International Covenant on Civil and Political Rights, such protection cannot be denied to them by virtue of the mere dismemberment of that territory or its coming within the jurisdiction of another State or of more than one State.

However, the existence and contents of the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong make it unnecessary for the Committee to rely solely on the foregoing jurisprudence as far as Hong Kong is concerned. In this regard, the Committee points out that the parties to the Joint Declaration have agreed that all provisions of the Covenant as applied to Hong Kong shall remain in force after 1 July 1997.

These provisions include reporting procedures under article 40. As the reporting requirements under article 40 of the International Covenant on Civil and Political Rights will continue to apply, the Human Rights Committee is competent to receive and review reports that must be submitted in relation to Hong Kong.

This being so, the Committee is ready to give effect to the intention of the parties to the Joint Declaration as far as Hong Kong is concerned, and to cooperate fully with the parties to the Joint Declaration to work out the necessary modalities to achieve these objectives."

40. The Committee, in expressing its concern about the implementation of the Covenant in Hong Kong after 1 July 1997, should not neglect to take note of the failure of the current system to ensure the enjoyment of all the rights protected by that instrument in the territory. Of the numerous concerns that had been raised, two in particular should be emphasized: first, the electoral system, which effectively ranked those who wielded resources as first-class citizens and relegated the great majority to an inferior status; and second, the abundance of laws - "gag laws" in fact - which restricted the right to freedom of expression.

41. He thanked all those who had made the dialogue possible, including the members of the Legislative Council, the representatives of NGOs, which had supplied a significant amount of crucial information, and in particular the delegation itself, which had competently replied to the concerns raised by the Committee and had furnished much pertinent information. Finally, the Committee requested the submission of a special report, which should describe both the methods established by the parties to the Joint Declaration to secure the implementation of the Covenant in Hong Kong, and the measures taken to implement the Committee's recommendations. That report should be received by 31 May 1996, for consideration by the Committee at its session in October 1996.

42. He invited the members of the United Kingdom delegation to address the Committee.

43. Mr. FUNG (Hong Kong Government) said that in his view the discussion had proved extremely fruitful. He was grateful to the Chairman for mentioning the visit he had paid to Hong Kong with the rapporteur; he hoped that all members of the Committee would have the opportunity to visit the territory in the near future. What in the mid-nineteenth century had been described as a "barren rock" was now one of the world's leading financial centres. Hong Kong lay at the confluence of East and West, and the arrangements for its future reflected that special historical and cultural matrix. "One country, two systems" was in fact the formula that had been devised to describe Hong Kong's future, and that concept had been fully developed in both the Joint Declaration and the Basic Law. Under that Law, the people of Hong Kong would enjoy their own legal system, their own autonomy, their own economic and fiscal freedoms and, most significantly, their own human rights and freedoms. The Hong Kong Government was deeply committed to the maintenance, preservation and enhancement of the human rights of the people of the territory, now perhaps more than ever before in its history. Finally, he was grateful to the members of the Committee for expressing their concerns and looked forward to receiving their concluding observations in the near future. He assured the Committee that the Government of Hong Kong would study their recommendations with great care.

44. Mr. STEEL (United Kingdom) thanked the members of the Committee for their courtesy, kindness and understanding, and assured them that the observations they had made would be duly considered. It could not go unremarked that the Committee's major concern was the continued observance of the Covenant in Hong Kong after 1997. With respect to the substantive provisions of that instrument, he hoped that his delegation had successfully persuaded the Committee that the legal framework had been set in place for their full observance after the hand-over; that legislative regime included the Joint Declaration, the Basic Law, and the Bill of Rights, as well as other laws aimed at securing, protecting and preserving human rights. His Government saw no reason why there should be any detraction of or derogation from those laws.

45. The second major concern raised by the Committee related to reporting obligations. He had noted the Committee's unanimous opinion that the obligation to submit periodic reports would remain in force after 1997 and welcomed its assurance of cooperation and support in working out the relevant procedures. The United Kingdom would continue discussing the issue with its Chinese partners, setting out its views on the various ways of fulfilling reporting obligations under the Covenant.

46. The members of the United Kingdom delegation withdrew.

The meeting was suspended at 4.25 p.m. and resumed at 4.50 p.m.

ORGANIZATION AND OTHER MATTERS (agenda item 2) (continued)

47. Mr. KLEIN drew attention to a proposal made by Mr. Lallah for the discussion of periodic reports to be organized like that of initial reports: instead of being invited to take up the list of issues section by section, delegations would be asked to answer all the questions on the list in

succession. Members of the Committee could then ask follow-up questions on any matter covered in the list, and a more lively discussion would ensue. He suggested that that approach should be applied to the Swedish report.

48. Ms. EVATT said the suggestion was a good one; the Swedish report would be a good candidate for its application, as it was likely to raise few problematic issues. She supported the approach outlined by Mr. Klein.

49. Mr. LALLAH said what he had had in mind was to ensure that delegations replied on the spot to the questions raised by the Committee, so that they could not use the break between meetings as an opportunity to prepare their answers. That would, he hoped, encourage an open and frank dialogue.

50. Ms. MEDINA QUIROGA said she supported the suggestion because it was often difficult to place a question squarely in one of the categories offered by the list of issues. Allowing the discussion to range more freely would remove that constraint.

51. Mrs. CHANET said she opposed the proposal because the more wide-ranging the discussion, the more likely it was that one or several questions would be lost among the great many raised simultaneously. She favoured bringing up one or two questions on a single issue or related subjects, and then hearing the answers; it was that approach that would generate a direct and fruitful dialogue.

52. Mr. BAN expressed sympathy for Mr. Klein's proposal but said there was a drawback: delegations submitting their third or fourth periodic reports were accustomed to the Committee's established practice, namely division of the material to be discussed into sections corresponding to certain articles of the Covenant. If a different approach was to be used, delegations should be apprised in advance.

53. Mr. ANDO said he did not actually object to Mr. Klein's proposal but thought the present approach had the merit of channelling the discussion along logical themes: the general framework for implementation of the Covenant; the physical freedom of the individual; and the spiritual freedom of the individual.

54. Mr. BUERGENTHAL said he strongly supported Mr. Klein's proposal and thought the concerns expressed by Mrs. Chanet could be met by allowing frequent breaks for follow-up questions. The current system worked well when members of the Committee did not raise the same question under successive sections of the list of issues, but everyone knew that there was a tendency to repeat questions.

55. Mr. BRUNI CELLI said he was inclined to support the position adopted by Mrs. Chanet. Asking a delegation to respond to all the questions on the list of issues would be to invite a lengthy exposition, and each member of the Committee in turn would have to speak at length to set out all his or her questions. The result would be a series of monologues. He would prefer to retain the current system, but would urge the Chairman to apply the time-limit for statements more vigorously, and the members of the Committee to exercise greater self-restraint.

56. Mr. KRETZMER said he understood the concerns raised by Mrs. Chanet but thought the Swedish report provided a good opportunity to put Mr. Klein's proposal into practice and then to evaluate the results.

57. Mr. BHAGWATI said he could endorse either of the two options but tended to prefer the current system. Taking all the questions together would mean the time required for delegations to answer would be correspondingly lengthened; he did not see how the proposed change would shorten the discussion time. The experiment might well work with the Swedish report, which was fairly straightforward in nature, but that did not mean it would be successful for all other periodic reports.

58. The CHAIRMAN summing up the discussion, said the Committee was evenly divided on the advisability of applying Mr. Klein's suggestion. A number of members were not present, however, and it would be unfair to take a decision on such an important matter in their absence. As had been pointed out, the real problem was one of self-discipline. He therefore called on members to keep faithfully to the established time-limits. As Chairman, he would ensure that they were imposed accurately.

59. Mrs. CHANET said she hoped that delegations, like members of the Committee, would be urged to exercise self-restraint concerning the duration of their statements.

60. Mr. BUERGENTHAL, referring to the discussion of the supplementary report of the United Kingdom on Hong Kong, said he thought it had been extremely useful that the Chairman and rapporteur had been able to visit Hong Kong in advance of the Committee's consideration of the report. Their visit had provided the Committee with a real insight into the situation there and had helped to establish a rapport with the NGOs that had furnished such abundant and useful background information. He hoped that initiative would serve as a precedent for future visits to countries whose reports were being discussed.

61. The CHAIRMAN said there was indeed much to be gained when States permitted such visits to their territories.

The public part of the meeting rose at 5.15 p.m.